

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**DOUGLAS EL**

**Plaintiff**

**v.**

**SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY**

**Defendant**

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**CIVIL ACTION  
No. 02CV3591**

**ORDER**

**AND NOW** on this \_\_\_\_ day of \_\_\_\_\_, 2004, upon consideration of Plaintiff's Motion to Compel Metro Care, Inc. to Comply with Plaintiff's Subpoena and Metro Care, Inc.'s response thereto, it is hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Compel is **DENIED**.

**BY THE COURT:**

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**THE HONORABLE J. CURTIS JOYNER**  
*United States Magistrate Judge*

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**CIVIL ACTION  
No. 02CV3591**

**ANSWER OF METRO CARE, INC.'S TO PLAINTIFF'S MOTION TO COMPEL  
METRO CARE, INC. TO COMPLY WITH PLAINTIFF'S SUBPOENA**

Metro Care, Inc. (hereinafter "Metro Care") hereby responds to Plaintiff's Motion to Compel

Metro Care, Inc. to Comply with Plaintiff's Subpoena as follows:

1-11. Denied. By way of further explanation, Plaintiff's Motion must be denied as Moot because a search for the records requested by subpoena revealed that the records do not exist. A true and correct copy of documentation in support thereof is attached hereto as **Exhibit "A"**.

**WHEREFORE**, Metro Care, Inc. respectfully request this Honorable Court to Deny Plaintiff's Motion to Compel Metro Care, Inc. to Comply with Plaintiff's Subpoena as Moot.

**DAVID L. WOLOSHIN, P.C.**

**BY:** \_\_\_\_\_  
**Jeffrey B. Killino, Esquire**  
**Attorney for Metro Care, Inc.**

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**BRIEF IN OPPOSITION TO PLAINTIFF’S MOTION TO COMPEL METRO CARE,  
INC. TO COMPLY WITH PLAINTIFF’S SUBPOENA**

Metro Care, Inc. (hereinafter “Metro Care”) by and through the undersigned counsel hereby submits their Brief in Opposition to Plaintiff’s Motion to Compel Metro Care, Inc. to Comply With Plaintiff’s Subpoena as follows:

**ARGUMENT**

Plaintiff’s Motion must be denied as Moot because a search for the records requested by subpoena revealed that the records do not exist. A true and correct copy of documentation in support thereof is attached hereto as **Exhibit “A”**.

**CONCLUSION**

**WHEREFORE**, any and all the foregoing reasons Metro Care, Inc. respectfully request this Honorable Court Deny Plaintiff’s Motion to Compel Metro Care, Inc. to Comply with Plaintiff’s Subpoena as Moot.

**DAVID L. WOLOSHIN, P.C.**

**BY: \_\_\_\_\_  
Jeffrey B. Killino, Esquire  
Attorney for Metro Care, Inc.**

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**DOUGLAS EL**

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**CERTIFICATION OF SERVICE**

I hereby certify that service of a true and correct copy of the enclosed Metro Care, Inc.'s Answer to Plaintiff's Motion to Compel Metro Care, Inc. to Comply with Plaintiff's Subpoena was made on February 20, 2004 to counsel below named by United States Mail, Postage Pre-paid.

Robert J. Haurin, Esquire  
**Saul H. Krenzel and Associates**  
The Robinson Building, Suite 800  
42 S. 15<sup>th</sup> Street  
Philadelphia, PA 19102

Wayne A. Ely, Esquire  
**Timothy M. Kolman & Associates**  
The Shoppes at Flowers Mill  
225 Flowers Mill Road  
Langhorne, PA 19047

JEFFREY B. KILLINO, ESQUIRE